

JEAC 1996-2

July 25, 1996

You have requested the Committee's opinion on whether you may accept an invitation to serve with your wife as honorary chairs of the 250th anniversary of Wilmington Friends School.

You have attached a letter from Lisa A. H. Darling, Head of School, who explains your role:

As honorary chairs you would be asked to preside at a few celebratory events. Planning for these event[s] is still sketchy, but they would, most likely, include an opening day of school party, special homecoming celebrations and a gala party. We would request your attendance at an education forum that is being discussed and at a visual and performing arts series that is under discussion. We expect to do something significant by way of marking the historical significance of the event in Delaware and would need your presence at any book unveiling or opening of an historical display. The school hopes as well to sponsor a major community service project as part of the celebration. We would hope to have your presence at any major events associated with the service project. You would be welcome, but certainly not expected, to participate on the anniversary planning committee.

Ms. Darling states that the school will most likely be running a capital campaign to solicit funds roughly concurrently with the celebration, but the school understands that you may not solicit funds or be involved with fund-raising in any way. The trustees of the school have established a clearly separate volunteer structure and will invite separate honorary chairs for the capital campaign.

Canon 5 requires a judge to regulate extra-judicial activities to minimize the risk of conflict with judicial duties. The Canon permits avocational activities, recognizing that a judge should not become isolated from the society in which the judge lives and that complete separation of a judge from extra-judicial activities is neither possible nor wise. Canon 5A commentary.

Canon 5B provides, in pertinent part, as follows:

Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(2) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of the judicial office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. A judge should not personally participate in membership

solicitation if the solicitation might reasonably be perceived as coercive or is essentially a fund-raising mechanism.

There is no reason to fear that your service as honorary chair would reflect adversely on your impartiality or interfere with the performance of your judicial duties. Nor is the school likely to be involved in court proceedings. See Canon 5B(1). The only concern is the relationship of your participation in celebratory events to the concurrent capital campaign.

The Canon permits participation in civic activities, provided that a judge does not personally participate in fund-raising or permit the use of the prestige of the judicial office for that purpose. A judge may attend fund-raising activities but may not be a speaker, guest of honor, or be featured on the program of a fund-raising event, and a judge's judicial designation may be used on an organization's letterhead for fund-raising only if comparable designations are listed for other persons. Canons 5B(2) and (3) commentary. Thus, the celebratory events in which you would participate as honorary chair may not be connected with the capital campaign.

The letter of invitation shows that the school is aware of and will comply with the rules prohibiting judges' participation in fund-raising. With the understanding that those rules will be honored, you may accept the invitation to serve as honorary chair of the school's anniversary celebration.

FOR THE COMMITTEE:
BERNARD BALICK, Chair